



DEPARTMENT OF COMMERCE

International Trade Administration

[A-427-831]

Methionine from France: Final Determination of Sales at Less Than Fair Value and Final Partial Determination of Critical Circumstances

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that imports of methionine from France are being, or are likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation July 1, 2019, through June 30, 2020. Further, Commerce determines that critical circumstances exist for Adisseo France SAS and Commentary.

DATES: Applicable [Insert date of publication in the *Federal Register*].

FOR FURTHER INFORMATION CONTACT: Zachary Shaykin, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-2638.

SUPPLEMENTARY INFORMATION:

Background

On March 4, 2021, Commerce published in the *Federal Register* its preliminary affirmative determination in the LTFV investigation of methionine from France.¹ Commerce invited interested parties to comment on the *Preliminary Determination*. A summary of the

¹ See *Preliminary Affirmative Determination of Sales at Less Than Fair Value and Partial Affirmative Determination of Critical Circumstances*, 86 FR 12627 (March 4, 2021) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

events that occurred since Commerce published the *Preliminary Determination*, may be found in the Issues and Decision Memorandum.²

Scope of the Investigation

The product covered by this investigation is methionine from France. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

Commerce did not receive scope comments from interested parties during the course of this investigation. Therefore, Commerce is not modifying the scope language as it appeared in the *Preliminary Determination*. *See* Appendix I for the final scope of the investigation.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the sections of the Issues and Decision Memorandum are in Appendix II of this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn>.

Verification

Because Adisseo France SAS and Commentry (collectively, Adisseo) stated prior to the *Preliminary Determination* that it would not continue to respond to Commerce's request for information, we did not conduct a verification of Adisseo's information.

Use of Adverse Facts Available

² *See* Memorandum, "Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Methionine from France," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

In the *Preliminary Determination*, Commerce found that Adisseo failed to comply with Commerce's request for information, which significantly impeded the investigation. Further, Commerce found that Adisseo failed to cooperate to the best of its ability in this investigation. Therefore, in the *Preliminary Determination*, pursuant to sections 776(a) and (b) of the Tariff Act of 1930, as amended (the Act), Commerce assigned Adisseo an estimated weighted-average dumping margin based on adverse facts available (AFA). We have continued to find that the application of AFA, pursuant to sections 776(a) and (b) of the Act is warranted in determining Adisseo's estimated weighted-average dumping margin.

In the *Preliminary Determination*, as AFA, we assigned Adisseo, as an estimated weighted-average dumping margin, a rate equal to the highest individual dumping margin based on an average-to-average comparison and based on the record information submitted by Adisseo. Because this rate is not secondary information, but rather is based on information obtained in the course of the investigation, Commerce need not corroborate this rate pursuant to section 776(c) of the Act.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis*, or determined entirely under section 776 of the Act. Pursuant to section 735(c)(5)(B) of the Act, if the estimated weighted-average dumping margins established for all exporters and producers individually examined are zero, *de minimis* or determined based entirely on facts otherwise available, Commerce may use any reasonable method to establish the estimated weighted-average dumping margin for all other producers or exporters.

Commerce has determined the estimated weighted-average dumping margin for the sole respondent, Adisseo, entirely under section 776 of the Act. Consequently, pursuant to section

735(c)(5)(B) of the Act, Commerce's normal practice under these circumstances has been to calculate the all-others rate as a simple average of the alleged dumping margins from the petition.³ However, there is only one dumping margin alleged in the petition (*i.e.*, 16.17 percent) for this investigation. Therefore, we used that rate as the estimated weighted-average dumping margin for all other producers and exporters, (*i.e.*, all-others rate).

Final Partial Affirmative Determination of Critical Circumstances

Consistent with the *Preliminary Determination*⁴ and in accordance with section 773(e) of the Act and 19 CFR 351.206, Commerce continues to determine that critical circumstances exist with respect to imports of methionine produced and exported by Adisseo. Furthermore, Commerce continues to find that critical circumstances do not exist with respect to imports of methionine produced and exported by all other producers and exporters from France.⁵

Final Determination

Pursuant to section 735 of the Act, the final estimated weighted-average dumping margins are as follows:

Exporter or Producer	Estimated Weighted-Average Dumping Margin (percent)
Adisseo France SAS and Commentry	43.82
All Others	16.17

³ See, e.g., *Notice of Preliminary Determinations of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany*, 73 FR 21909, 21912 (April 23, 2008), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany*, 73 FR 38986, 38987 (July 8, 2008), and accompanying Issues and Decision Memorandum at Comment 2; see also *Notice of Final Determination of Sales at Less Than Fair Value: Raw Flexible Magnets from Taiwan*, 73 FR 39673, 39674 (July 10, 2008); *Steel Threaded Rod from Thailand: Preliminary Determination of Sales at Less Than Fair Value and Affirmative Preliminary Determination of Critical Circumstances*, 78 FR 79670, 79671 (December 31, 2013), unchanged in *Steel Threaded Rod from Thailand: Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances*, 79 FR 14476, 14477 (March 14, 2014); and *Polyethylene Terephthalate Resin from Pakistan: Final Determination of Sales at Less Than Fair Value*, 83 FR 48281, 48282 (September 24, 2018).

⁴ See *Preliminary Determination* at 12628.

⁵ *Id.*

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with a final determination, in accordance with 19 CFR 351.224(b). However, because Commerce made no changes to the margin calculations in the *Preliminary Determination*, there are no new calculations to disclose.⁶

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of methionine from France, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after March 4, 2021 the date of publication in the *Federal Register* of the affirmative *Preliminary Determination*.

Section 735(c)(4) of the Act provides that if there is an affirmative determination of critical circumstances, any suspension of liquidation shall apply to unliquidated entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the later of: (a) the date which is 90 days before the date on which the suspension of liquidation was first ordered; or (b) the date on which notice of initiation of the investigation was published. As noted above, Commerce finds that critical circumstances exist for imports of subject merchandise produced and exported by Adisseo. Therefore, in accordance with section 735(c)(4) of the Act, suspension of liquidation shall continue to apply to unliquidated entries of subject merchandise produced and exported by Adisseo that were entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the date of publication of the *Preliminary Determination* in the Federal Register.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), we will instruct CBP to require a cash deposit for such entries of merchandise equal to the following: (1) the

⁶ See Commerce's Memorandum, "Final Determination in the Antidumping Duty Investigation of Methionine from France: AFA Rate for Adisseo France SAS," dated concurrently with this notice.

cash deposit rate for Adisseo will be equal to the respondent-specific estimated weighted-average dumping margin listed for Adisseo in the table; (2) if the exporter is not identified in the table above but Adisseo is the producer, then the cash deposit rate will be equal to the respondent-specific estimated weighted-average dumping margin established for Adisseo; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin listed in the table above.

These suspension of liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of this final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of methionine from France no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, all cash deposits posted will be refunded, and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the "Continuation of Suspension of Liquidation" section.

Notification Regarding Administrative Protective Orders

This notice will serve as a final reminder to the parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is

hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: May 10, 2021.

Christian Marsh,

Acting Assistant Secretary

for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is methionine and dl-Hydroxy analogue of dl-methionine, also known as 2-Hydroxy 4-(Methylthio) Butanoic acid (HMTBa), regardless of purity, particle size, grade, or physical form. Methionine has the chemical formula $C_5H_{11}NO_2S$, liquid HMTBa has the chemical formula $C_5H_{10}O_3S$, and dry HMTBa has the chemical formula $(C_5H_9O_3S)_2Ca$.

Subject merchandise also includes methionine processed in a third country including, but not limited to, refining, converting from liquid to dry or dry to liquid form, or any other processing that would not otherwise remove the merchandise from the scope of this investigation if performed in the country of manufacture of the in-scope methionine or dl-Hydroxy analogue of dl-methionine.

The scope also includes methionine that is commingled (*i.e.*, mixed or combined) with methionine from sources not subject to this investigation. Only the subject component of such commingled products is covered by the scope of this investigation.

Excluded from this investigation is United States Pharmacopoeia (USP) grade methionine. In order to qualify for this exclusion, USP grade methionine must meet or exceed all of the chemical, purity, performance, and labeling requirements of the United States Pharmacopoeia and the National Formulary for USP grade methionine.

Methionine is currently classified under subheadings 2930.40.00.00 and 2930.90.46.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Methionine has the Chemical Abstracts Service (CAS) registry numbers 583-91-5, 4857-44-7, 59-51-8 and 922-50-9. While the HTSUS subheadings and CAS registry number are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II

List of Sections in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Final Partial Affirmative Determination of Critical Circumstances
- IV. Discussion of the Issue: Whether to Retain Adisseo's BPI on the Record
- V. Recommendation

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